

# House Study Bill 753

HOUSE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE ON  
TRANSPORTATION BILL BY  
CHAIRPERSON HUSER)

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

## A BILL FOR

1 An Act relating to the issuance of driver's licenses and  
2 nonoperator's identification cards in compliance with the  
3 federal REAL ID Act of 2005.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
5 TLSB 6529HC 82  
6 dea/nh/8

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1 1 Section 1. Section 321.1, Code 2007, is amended by adding  
1 2 the following new subsections:  
1 3 NEW SUBSECTION. 58A. "REAL ID driver's license" means a  
1 4 driver's license issued in compliance with 6 C.F.R. pt. 37.  
1 5 NEW SUBSECTION. 58B. "REAL ID nonoperator's  
1 6 identification card" means a nonoperator's identification card  
1 7 issued in compliance with 6 C.F.R. pt. 37.  
1 8 Sec. 2. Section 321.12, subsection 1, Code 2007, is  
1 9 amended to read as follows:  
1 10 1. The director may destroy any records of the department  
1 11 which have been maintained on file for three years which the  
1 12 director deems obsolete and of no further service in carrying  
1 13 out the powers and duties of the department, except as  
1 14 otherwise provided in this section. Records of the department  
1 15 relating to the issuance of REAL ID driver's licenses and REAL  
1 16 ID nonoperator's identification cards shall be maintained in  
1 17 accordance with rules adopted by the department.  
1 18 Sec. 3. Section 321.182, Code 2007, is amended by adding  
1 19 the following new subsection:  
1 20 NEW SUBSECTION. 5. If applying for a REAL ID driver's  
1 21 license, provide necessary documentation as established by  
1 22 rule by the department.  
1 23 Sec. 4. Section 321.189, subsection 2, Code Supplement  
1 24 2007, is amended by adding the following new paragraph:  
1 25 NEW PARAGRAPH. cc. REAL ID driver's licenses may contain  
1 26 additional information as required under rules of the  
1 27 department.  
1 28 Sec. 5. Section 321.190, subsection 1, paragraphs a and d,  
1 29 Code 2007, are amended to read as follows:  
1 30 a. The department shall, upon application and payment of  
1 31 the required fee, issue to an applicant a nonoperator's  
1 32 identification card. To be valid the card shall bear a  
1 33 distinguishing number other than a social security number  
1 34 assigned to the cardholder, the full name, date of birth, sex,  
1 35 residence address, a physical description and a colored  
2 1 photograph of the cardholder, the usual signature of the  
2 2 cardholder, and such other information as the department may  
2 3 require by rule. An applicant for a nonoperator's  
2 4 identification card shall apply for the card in the manner  
2 5 provided in section 321.182, subsections 1 through 3. If the  
2 6 application is for a REAL ID nonoperator's identification  
2 7 card, requirements under section 321.182, subsection 5, shall  
2 8 also apply. The card shall be issued to the applicant at the  
2 9 time of application pursuant to procedures established by  
2 10 rule. An applicant for a nonoperator's identification card  
2 11 who is required by 50 U.S.C. app. } 451 et seq. to register  
2 12 with the United States selective service system shall be  
2 13 registered by the department with the selective service system  
2 14 as provided in section 321.183.  
2 15 d. The fee for a nonoperator's identification card shall  
2 16 be five dollars and the card shall be valid for a period of  
2 17 five years from the date of issuance. A nonoperator's

2 18 identification card shall be issued without expiration to  
2 19 anyone age seventy or over. If an applicant for a  
2 20 nonoperator's identification card is a foreign national who is  
2 21 temporarily present in this state, the nonoperator's  
2 22 identification card shall be issued only for the length of  
2 23 time the foreign national is authorized to be present as  
2 24 determined by the department, not to exceed two years. If an  
2 25 applicant for a REAL ID nonoperator's identification card is a  
2 26 foreign national who is temporarily present in this state, a  
2 27 REAL ID nonoperator's identification card shall be issued only  
2 28 for the length of time the foreign national is authorized to  
2 29 be present as verified by the department, not to exceed one  
2 30 year. An issuance fee shall not be charged for a person whose  
2 31 driver's license or driving privilege has been suspended under  
2 32 section 321.210, subsection 1, paragraph "c". The  
2 33 nonoperator's identification card fees shall be transmitted by  
2 34 the department to the treasurer of state who shall credit the  
2 35 fees to the road use tax fund.

3 1 ~~The nonoperator's identification card fees shall be~~  
3 2 ~~transmitted by the department to the treasurer of state who~~  
3 3 ~~shall credit the fees to the road use tax fund.~~

3 4 Sec. 6. Section 321.190, Code 2007, is amended by adding  
3 5 the following new subsection:

3 6 NEW SUBSECTION. 3. REAL ID NONOPERATOR'S IDENTIFICATION  
3 7 CARD.

3 8 a. REAL ID nonoperator's identification cards may contain  
3 9 additional information as required pursuant to rules of the  
3 10 department.

3 11 b. Fees for REAL ID nonoperator's identification cards  
3 12 shall be adjusted to recover additional costs incurred for  
3 13 issuance of the REAL ID nonoperator's identification cards as  
3 14 established by the department by rule.

3 15 Sec. 7. Section 321.191, Code 2007, is amended by adding  
3 16 the following new subsection:

3 17 NEW SUBSECTION. 11. REAL ID DRIVER'S LICENSES. Fees for  
3 18 REAL ID driver's licenses shall be adjusted to recover  
3 19 additional costs incurred for issuance of the REAL ID driver's  
3 20 licenses as established by the department by rule.

3 21 Sec. 8. Section 321.195, Code 2007, is amended to read as  
3 22 follows:

3 23 321.195 DUPLICATE DRIVER'S LICENSES AND NONOPERATOR'S  
3 24 IDENTIFICATION CARDS.

3 25 If a driver's license or nonoperator's identification card  
3 26 issued under this chapter is lost or destroyed, the person to  
3 27 whom the license or card was issued may, upon payment of a fee  
3 28 of three dollars for a driver's license or nonoperator's  
3 29 identification card, obtain a duplicate, or substitute, upon  
3 30 furnishing proof satisfactory to the department that the  
3 31 driver's license or nonoperator's identification card has been  
3 32 lost or destroyed. A fee of one dollar shall be charged for  
3 33 the voluntary replacement of a driver's license or  
3 34 nonoperator's identification card. Fees for duplicate REAL ID  
3 35 driver's licenses and duplicate REAL ID nonoperator's

4 1 identification cards shall be adjusted to recover additional  
4 2 costs incurred for issuance of the duplicate REAL ID driver's  
4 3 licenses and duplicate REAL ID nonoperator's identification  
4 4 cards as established by the department by rule.

4 5 Sec. 9. Section 321.196, subsection 1, Code 2007, is  
4 6 amended to read as follows:

4 7 1. Except as otherwise provided, a driver's license, other  
4 8 than an instruction permit, chauffeur's instruction permit, or  
4 9 commercial driver's instruction permit issued under section  
4 10 321.180, expires five years from the licensee's birthday  
4 11 anniversary occurring in the year of issuance if the licensee  
4 12 is between the ages of seventeen years eleven months and  
4 13 seventy years on the date of issuance of the license. If the  
4 14 licensee is under the age of seventeen years eleven months or  
4 15 age seventy or over, the license is effective for a period of  
4 16 two years from the licensee's birthday anniversary occurring  
4 17 in the year of issuance. A licensee whose license is  
4 18 restricted due to vision or other physical deficiencies may be  
4 19 required to renew the license every two years. If a licensee  
4 20 is a foreign national who is temporarily present in this  
4 21 state, the license shall be issued only for the length of time  
4 22 the foreign national is authorized to be present as determined  
4 23 by the department, not to exceed two years. If a licensee is  
4 24 a foreign national who is temporarily present in this state, a  
4 25 REAL ID driver's license shall be issued only for the length  
4 26 of time the foreign national is authorized to be present as  
4 27 verified by the department, not to exceed one year.

4 28 Sec. 10. Section 321.198, Code 2007, is amended by adding

4 29 the following new unnumbered paragraph:  
4 30 NEW UNNUMBERED PARAGRAPH. This section shall not apply to  
4 31 REAL ID driver's licenses.

4 32 Sec. 11. Section 321.199, Code 2007, is amended by adding  
4 33 the following new subsection:

4 34 NEW SUBSECTION. 4. Records of the department relating to  
4 35 the issuance of REAL ID driver's licenses and REAL ID  
5 1 nonoperator's identification cards in accordance with rules  
5 2 adopted by the department.

5 3 Sec. 12. Section 321.192, Code 2007, is repealed.

5 4 EXPLANATION

5 5 This bill provides rulemaking authority to the department  
5 6 of transportation to facilitate compliance with the federal  
5 7 REAL ID Act of 2005. Pursuant to proposed federal rules, to  
5 8 be codified at 6 C.F.R. pt. 37, a state's driver's licenses  
5 9 and identification cards will not be accepted for certain  
5 10 federal purposes, such as boarding a plane or entering certain  
5 11 federal facilities, after May 11, 2008, unless the state  
5 12 applies for an extension of the May 11 deadline for compliance  
5 13 with the federal REAL ID Act. In order to qualify for an  
5 14 extension, the state must establish a program for issuance of  
5 15 REAL ID driver's licenses and identification cards. Rules  
5 16 authorized under the bill relate only to Iowa driver's  
5 17 licenses and nonoperator's identification cards that will be  
5 18 issued to be compliant with the federal REAL ID Act. The new  
5 19 rules shall provide for the filing of records and retention of  
5 20 records, documentation that may be required of applicants,  
5 21 content of REAL ID driver's licenses and nonoperator's  
5 22 identification cards, and establishment of fees to cover costs  
5 23 incurred by the department. Current law will continue to  
5 24 apply for driver's licenses and nonoperator's identification  
5 25 cards that are not issued to be compliant with the federal  
5 26 REAL ID Act.

5 27 The bill provides definitions of "REAL ID driver's license"  
5 28 and "REAL ID nonoperator's identification card" to mean a  
5 29 driver's license or nonoperator's identification card issued  
5 30 in compliance with the federal REAL ID regulations. The bill  
5 31 specifies that a REAL ID driver's license or nonoperator's  
5 32 identification card issued to a foreign national who is  
5 33 temporarily present in the state shall be issued only for the  
5 34 length of time the person is authorized to be present, not to  
5 35 exceed one year. A provision under current law that extends  
6 1 the validity of a military person's driver's license for six  
6 2 months following initial separation from military service is  
6 3 not applicable to a person with a REAL ID driver's license  
6 4 under the bill. The bill repeals the department's authority  
6 5 to waive or refund fees if the department determines that the  
6 6 service standard for timely issuance of driver's licenses or  
6 7 nonoperator's identification cards has not been met or if an  
6 8 error on the license or identification card requires the  
6 9 applicant to return to a driver's license station operated by  
6 10 the department.

6 11 LSB 6529HC 82

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